

COMPRESSED COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-CV-00437-D

SHARON B. IGLESIAS, :
Plaintiff, :
vs. :
JOHN WOLFORD, Chief of Police of :
Oxford, N.C., in his official and :
individual capacities; THOMAS MARROW, :
City Manager of Oxford, N.C., in his :
official and individual capacities; :
DON JENKINS, Human Resources Manager :
for the City of Oxford, N.C., in his :
official and individual capacities; :
and the CITY OF OXFORD, N.C., :
Defendants. :

Wednesday, October 15, 2008

Raleigh, North Carolina

DEPOSITION of JAMES CAREY, a witness
herein, called for examination by counsel for
Plaintiff in the above-entitled matter, pursuant to
notice, the witness being duly sworn by VALERIE
SMITH GREEN, Court Reporter and Notary Public in and

BRYANT COURT REPORTING SERVICES, INC. (919)387-5853

Blumberg No. 5119

EXHIBIT

J

<p style="text-align: right;">2</p> <p>1 for the State of North Carolina, taken at Cranfill, 2 Sumner & Hartzog, LLP, 5420 Wade Park Boulevard, 3 Suite 300, Raleigh, North Carolina, at 2:20 p.m., on 4 Wednesday, October 15, 2008, and the proceedings 5 being taken down by stenotype by VALERIE SMITH GREEN 6 and transcribed under her direction. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 CONTENTS 2 THE WITNESS EXAMINATION BY COUNSEL FOR 3 JAMES CAREY: Plaintiff Defendants 4 By Mr. Monteith: 7, 91 5 By Ms. Davis: 48 6 7 8 EXHIBITS 9 EXHIBIT NO. PAGE NO. 10 A - Stipulation 10 11 (Exhibit was retained by the attorneys.) 12 13 14 15 ***CONFIDENTIAL*** 16 Beginning Confidential Portion Page 20, Line 9 17 Ending Confidential Portion Page 43, Line 8 18 19 Beginning Confidential Portion Page 76, Line 7 20 Ending Confidential Portion Page 92, Line 4 21 22 23 24 25</p>
<p style="text-align: right;">3</p> <p>1 APPEARANCES: 2 On behalf of the Plaintiff: 3 CHARLES E. MONTEITH, JR., ESQ. 4 SHELLI HENDERSON RICE, ESQ. 5 Monteith & Rice, PLLC 6 422 St. Mary's Street, Suite 6 7 Raleigh, North Carolina 27605 8 (919) 821-2053 9 10 On behalf of the Defendants: 11 M. ROBIN DAVIS, ESQ. 12 Cranfill, Sumner & Hartzog, LLP 13 5420 Wade Park Boulevard, Suite 300 14 Raleigh, North Carolina 27607 15 (919) 828-5100 16 17 ALSO PRESENT: 18 Sharon B. Iglesias - Plaintiff 19 Tom Burnette 20 21 22 23 24 25</p>	<p style="text-align: right;">5</p> <p>1 STIPULATIONS 2 It was stipulated by and between counsel 3 representing the respective parties, and the witness, 4 as follows: 5 1. That any defect in the notice of the taking 6 of this deposition, either as to time or place, or 7 otherwise as required by statute is expressly waived, 8 and this deposition shall have the same effect as if 9 formal notice in all respects as required by statute 10 had been given and served upon the counsel in the 11 manner prescribed by law. 12 2. That this deposition shall be taken for the 13 purpose of discovery or for use as evidence in the 14 above-entitled actin, or for both purposes. 15 3. That this deposition is deemed opened and all 16 formalities and requirements with respect to the 17 opening of the same, expressly including notice of 18 the opening of this deposition, are hereby waived, and 19 this deposition shall have the same effect as if all 20 formalities in respect to the opening of the same had 21 been complied with in detail. 22 4. That the undersigned, Valerie Smith Green, 23 Court Reporter and Notary Public in and for the State 24 of North Carolina, is duly qualified and constituted to 25 take this deposition.</p>

<p style="text-align: right;">6</p> <p>1 5. Objections to questions, except as to the 2 form thereof, and motions to strike answers need not 3 be made during the taking of this deposition, but may 4 be reserved until any pretrial hearing held before any 5 judge of any court of competent jurisdiction for the 6 purpose of ruling thereon, or at any other hearing or 7 trial of said case at which said deposition might be 8 used, except that an objection as to the form of a 9 question must be made at the time such a question is 10 asked or objection is waived as to the form of the 11 question. 12 6. That the witness will waive the reading and 13 signing of the transcript to the deposition. 14 7. That the Federal Rules of Civil Procedure 15 shall control concerning the use of the deposition in 16 court. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">8</p> <p>1 Q So Mr. Carey, you received a subpoena 2 to appear here today? 3 A I did. 4 Q And as part of that subpoena we 5 requested that you bring any documents that you 6 might have that were -- you thought responsive to 7 what we attached to the subpoena on Schedule A. 8 A I did bring what I had. 9 Q You brought what you have, okay. 10 What we've done because there's a 11 concern that some of those documents may be 12 subject to the attorney/client privilege -- 13 A May be what? 14 Q May be subject to attorney/client 15 privilege. Meaning we don't know without seeing 16 them. 17 A Okay. 18 Q But the city may have a right to 19 withhold some of those documents from us due to 20 that privilege. So we've reached an agreement 21 with opposing counsel that we're going to give the 22 city's attorneys a chance to review those 23 documents before I ask you any questions about 24 them and before I see them to see if any of those 25 might be privileged documents. Do you understand?</p>
<p style="text-align: right;">7</p> <p>1 PROCEEDINGS 2 Whereupon, 3 JAMES CAREY, 4 was called as a witness by counsel for the Plaintiff, 5 and having been duly sworn by the Notary Public, was 6 examined and testified as follows: 7 EXAMINATION BY COUNSEL FOR PLAINTIFF 8 BY MR. MONTEITH: 9 Q Good afternoon, Mr. Carey. My name is 10 Chuck Monteith. We just met. I'm one of the 11 attorneys representing Ms. Iglesias. My 12 co-counsel is Shelli Rice. 13 So I may have put on the subpoena Jack 14 Carey. Is it James, Jack? 15 A Well, I can explain that. My name is 16 James I. Carey, but I've been known Jack since I 17 was born. So when I ran for the city commission 18 it was James I, parentheses, Jack Carey, and 19 that's where that came from. 20 Q Okay, thank you. All right. 21 A And everybody calls me Jack. 22 Q I'll call you Mr. Carey just to be 23 respectful if you don't mind, but I appreciate 24 that. 25 A Okay.</p>	<p style="text-align: right;">9</p> <p>1 A That's fine with me. 2 MR. MONTEITH: Okay. Is that fair 3 enough -- 4 MS. DAVIS: Yes. 5 MR. MONTEITH: -- description of 6 what we agreed? 7 And there's a letter of 8 understanding that was reached between the 9 parties. And we want this a part of the 10 record or not or are you okay with it not 11 being -- 12 MS. DAVIS: I think as long as -- 13 maybe it's appropriate to reflect that as our 14 stipulated agreement with regard to the 15 deposition and give it to the court reporter. 16 I'm not sure it needs to be an exhibit. 17 MR. MONTEITH: Okay. Maybe I 18 misunderstood your e-mail. 19 I don't -- it doesn't matter. I 20 mean -- 21 MS. DAVIS: It can be an exhibit to 22 the transcript if you think that's easier. 23 MR. MONTEITH: I think that's 24 easier than explaining what a stipulated 25 agreement is.</p>

<p style="text-align: right;">10</p> <p>1 MS. DAVIS: Okay.</p> <p>2 MR. MONTEITH: So if we could</p> <p>3 just -- you already have a copy of it?</p> <p>4 MS. DAVIS: Right, I have it so</p> <p>5 we're good.</p> <p>6 (Discussion off the record.)</p> <p>7 (Mr. Carey's Deposition Exhibit</p> <p>8 A, stipulation, was marked for</p> <p>9 identification.)</p> <p>10 (A break was taken at 2:25 p.m. until</p> <p>11 4:33 p.m. at which time attorneys reviewed records</p> <p>12 produced by Mr. Carey.)</p> <p>13 MS. DAVIS: Okay. For the record,</p> <p>14 Mr. Burnette and I have reviewed all of the</p> <p>15 documents produced by Mr. Carey and with the</p> <p>16 exception of eight pages of documents which</p> <p>17 constitute handwritten notes relative to the</p> <p>18 meetings of council I have determined that</p> <p>19 none of the documents that have been produced</p> <p>20 by Mr. Carey are privileged in any way.</p> <p>21 All of the other documents produced</p> <p>22 by Mr. Carey some appear to contain personnel</p> <p>23 information, and after consultation with Mr.</p> <p>24 Monteith and Ms. Rice we have determined as a</p> <p>25 precaution we will mark those as confidential</p>	<p style="text-align: right;">12</p> <p>1 to provide all these documents that we requested.</p> <p>2 Have you ever been deposed before?</p> <p>3 A Yes, I have.</p> <p>4 Q Okay. So you understand how the</p> <p>5 process works.</p> <p>6 Let me just ask you a couple of</p> <p>7 introductory questions. One of the questions that</p> <p>8 attorneys like to ask in these depositions is they</p> <p>9 want to make sure that the witness is able to</p> <p>10 answer questions on the day of the deposition. So</p> <p>11 are you feeling well today?</p> <p>12 A I -- I think I'm able to answer most of</p> <p>13 the questions.</p> <p>14 Q Okay. And are you taking any sort of</p> <p>15 medication --</p> <p>16 A No, I take --</p> <p>17 Q -- that could affect you?</p> <p>18 A -- normal heart medicine but it doesn't</p> <p>19 affect my thinking.</p> <p>20 Q Your memory or anything like that?</p> <p>21 A No.</p> <p>22 Q Okay. Tell us a little bit about your</p> <p>23 background. Where did you go -- first of all,</p> <p>24 where did you grow up?</p> <p>25 A I grew up in Virginia at a little town</p>
<p style="text-align: right;">11</p> <p>1 simply for the purpose of getting them</p> <p>2 marked, and in order to expedite things today</p> <p>3 we'll just proceed forward under the</p> <p>4 assumption that they're confidential and then</p> <p>5 the attorneys will work out at a later date</p> <p>6 which of those might not be confidential,</p> <p>7 personnel or other information.</p> <p>8 And Mr. Monteith and Ms. Rice have</p> <p>9 had the opportunity to review those documents</p> <p>10 that were produced -- that are being produced</p> <p>11 pursuant at least at this point to the</p> <p>12 confidentiality order, and I believe are now</p> <p>13 ready to proceed with the deposition of Mr.</p> <p>14 Carey pursuant to the stipulations amongst</p> <p>15 counsel. Is that correct, Mr. Monteith?</p> <p>16 MR. MONTEITH: Yes, ma'am, that's</p> <p>17 all correct. That was shorter for me to say</p> <p>18 than her.</p> <p>19 BY MR. MONTEITH:</p> <p>20 Q Okay. Mr. Carey, sorry to make you</p> <p>21 wait so long. I'll try and be --</p> <p>22 A I understand.</p> <p>23 Q -- as brief as possible.</p> <p>24 First of all, thank you again for</p> <p>25 coming today and thank you for making the effort</p>	<p style="text-align: right;">13</p> <p>1 called Burkeville, Virginia and I came to North</p> <p>2 Carolina in 1964.</p> <p>3 Q And where did you go to college?</p> <p>4 A I did not. I went to the University of</p> <p>5 Virginia to banking school.</p> <p>6 Q Banking school there, okay.</p> <p>7 And when you came to North Carolina in</p> <p>8 1964 was that to Oxford or was that somewhere</p> <p>9 else?</p> <p>10 A To Oxford.</p> <p>11 Q And you lived in Oxford ever since?</p> <p>12 A That's correct.</p> <p>13 Q So your work experience has that</p> <p>14 primarily been in the banking industry; would that</p> <p>15 be fair to say?</p> <p>16 A I've done 44 years in banking and 16</p> <p>17 years -- eight years on Granville County Board of</p> <p>18 Commissioners, eight years on the City Board of</p> <p>19 Commissioners and prior to that in Virginia I was</p> <p>20 on the -- on the town board and mayor for 11</p> <p>21 years, I believe. Nine -- eleven years,</p> <p>22 something --</p> <p>23 Q So you were a mayor at some point?</p> <p>24 A Beg your pardon?</p> <p>25 Q You were a mayor in Virginia at some</p>

<p style="text-align: right;">14</p> <p>1 point?</p> <p>2 A Yes, I was.</p> <p>3 Q Okay. When were you on the Granville</p> <p>4 County Board of Commissioners, what time period</p> <p>5 was that?</p> <p>6 A 1976 through 1984.</p> <p>7 Q And then when were you on the City</p> <p>8 Board of Commissioners?</p> <p>9 A 1997 to 2005.</p> <p>10 Q And is the City Board of Commissioners</p> <p>11 is that an elected position?</p> <p>12 A Yes, it is.</p> <p>13 Q Do you know Sharon Iglesias the</p> <p>14 plaintiff in this matter?</p> <p>15 A I do know her. She was Sharon Belcher</p> <p>16 and she's married since she -- not too long ago.</p> <p>17 How many years I don't know, but I do know her.</p> <p>18 Q How long have you known Sharon?</p> <p>19 A I knew her mother and her father. Her</p> <p>20 father used to work at Penny Furniture, Maynard</p> <p>21 Belcher, and I -- he was working there when I came</p> <p>22 to Oxford and of course she -- she -- I don't know</p> <p>23 how long I've known her but I've known her for a</p> <p>24 good while.</p> <p>25 Q Okay. And what's your opinion of</p>	<p style="text-align: right;">16</p> <p>1 Q Okay. Never had any discussions with</p> <p>2 the chief concerning the allegations against him?</p> <p>3 A No, I have not. I've discussed other</p> <p>4 things with the chief at times. But I was on the</p> <p>5 police committee one time and, you know, we went</p> <p>6 into things involving city policing and so forth,</p> <p>7 but nothing concerning personnel of this nature.</p> <p>8 Q Did you ever have any conversations</p> <p>9 with Chief Wolford concerning Sharon Iglesias?</p> <p>10 A No, I did not.</p> <p>11 Q Do you know Don --</p> <p>12 A Let me --</p> <p>13 Q I'm sorry.</p> <p>14 A Let me correct that. Only -- only</p> <p>15 thing that I heard was what he said in the board</p> <p>16 meetings. And I don't know whether he said</p> <p>17 anything about her, but I heard him speak about</p> <p>18 personnel and so forth in the board meetings.</p> <p>19 Q Do you know Don Jenkins?</p> <p>20 A Yes, I do.</p> <p>21 Q How long have you known Mr. Jenkins?</p> <p>22 A I would guess ten, 12 years, something</p> <p>23 like that.</p> <p>24 Q And to your knowledge what is his</p> <p>25 position with the City of Oxford?</p>
<p style="text-align: right;">15</p> <p>1 Sharon?</p> <p>2 A The family was an excellent family.</p> <p>3 They were well thought of, they had high</p> <p>4 integrity, no problems in the community. They</p> <p>5 were -- her mother was a nurse at the hospital and</p> <p>6 they were well thought of.</p> <p>7 Q Okay. I'm going to ask you some</p> <p>8 questions now about some other individuals that</p> <p>9 are involved in the case.</p> <p>10 First of all, the Chief John Wolford do</p> <p>11 you know him?</p> <p>12 A Yes, I do.</p> <p>13 Q How well do you know him?</p> <p>14 A I was on the city board when he was</p> <p>15 employed and I have known him since that time. I</p> <p>16 believe it was in 2000 that he was employed with</p> <p>17 the city and I've known him since then.</p> <p>18 Q And what's your opinion of Chief</p> <p>19 Wolford?</p> <p>20 A Well, my dealings with Chief Wolford</p> <p>21 has been mostly through the city and I really</p> <p>22 haven't -- haven't had a lot of personal dealings</p> <p>23 with him, you know. There -- there have been</p> <p>24 allegations and things of that nature but I have</p> <p>25 not been involved in those particular type things.</p>	<p style="text-align: right;">17</p> <p>1 A Beg your --</p> <p>2 Q What is his position with the city?</p> <p>3 A Human resources officer. I was on the</p> <p>4 board when he was employed.</p> <p>5 Q Have you had any interactions with him?</p> <p>6 A I've had some. Him and I don't always</p> <p>7 agree.</p> <p>8 Q Okay. Where are the -- what are some</p> <p>9 of the things you haven't agreed with him on?</p> <p>10 A Well, I guess, the most important</p> <p>11 things that we have disagreed on is that now</p> <p>12 filling positions and he didn't want the city</p> <p>13 board to have any input into the employment of</p> <p>14 city clerk -- or assistant city clerk which we</p> <p>15 thought that was our responsibility.</p> <p>16 Q Can you think of anything else that</p> <p>17 you've disagreed with Mr. Jenkins on?</p> <p>18 A That would be a number of things.</p> <p>19 Health insurance for some of them. I was chairman</p> <p>20 of the finance committee and we disagreed on some</p> <p>21 of the -- the budget requirements that he</p> <p>22 requested and things of that nature. But this is</p> <p>23 normal disagreement.</p> <p>24 Q I understand.</p> <p>25 So you expect to have disagreement with</p>

<p style="text-align: right;">46</p> <p>1 knowledge the board members did not engage in 2 personnel problems. That was left to the city 3 manager. 4 And I did not feel that Mr. Jenkins was 5 the man to -- or the person -- or the position he 6 held was -- was to help employees rather than to 7 hurt employees. And that's the position he took 8 in some cases. He was there to develop programs 9 and look after the employees, make sure that their 10 insurance was right, filed and things of this 11 nature. And I did not feel his position -- when 12 he was employed that his position was to 13 investigate people. 14 I would -- I would go further to say 15 that Mr. Marrow was very weak in dealing with 16 staff members. He did not follow through on 17 getting appraisals done as he should have and that 18 was one of the reasons that Mr. Jenkins was 19 employed is to give him some assistance. 20 Q So did you have any involvement in 21 Mr. Jenkins selection for the position as HR 22 manager? 23 A Do I what? 24 Q Were you involved in the selection of 25 Mr. Jenkins for HR manager?</p>	<p style="text-align: right;">48</p> <p>1 need to step out and talk to Mr. Burnette for 2 just a moment. If you want to take a break 3 you're welcome to do that. 4 (A brief recess was taken.) 5 EXAMINATION BY COUNSEL FOR DEFENDANTS 6 BY MS. DAVIS: 7 Q Mr. Carey, I like to first start and 8 ask you who did you talk to about the fact that 9 you were going to be deposed today? 10 A Well, I talked to my wife. She was 11 there when the subpoena was filed on me. I talked 12 to Mr. Yancey and told him I had to appear for a 13 deposition today. And in answering the question 14 that was posed to me by Mr. Strickland at church I 15 told him I was going to do a deposition. Other 16 than that I don't know I've talked to anybody. 17 Q Did Ms. Iglesias tell you that you were 18 going to be deposed in this case? 19 A Did what? 20 Q Did Ms. Iglesias tell you you were 21 going to be deposed in this case? 22 A She may have told me but that was many 23 months ago. I don't recall her telling me. I 24 haven't seen Sharon for two or three years -- a 25 couple of years I recon since I got off the board</p>
<p style="text-align: right;">47</p> <p>1 A This was a position that was -- was not 2 a position of the city and the city board had to 3 approve the position. 4 Q It was a new position? 5 A A new position. 6 Q Okay. 7 A And we did that. 8 As far as selecting is concerned, no, I 9 did not. We were informed of the people that the 10 city manager had interviewed and some of them we 11 knew, some of them we didn't. I knew Mr. Jenkins 12 at that time. But I did not have anything to do 13 with employing him. The manager made that 14 decision himself. 15 Q Did you tell Mr. Jenkins that you 16 thought he should apply for the position? 17 A No, I did not. He was without a job at 18 the time. 19 MR. MONTEITH: All right. 20 Mr. Carey, I really want to thank you for 21 your patience in answering my questions and 22 having to sit here for so long today. That's 23 all I have. 24 Ms. Davis may have some questions. 25 MS. DAVIS: I will have a few. I</p>	<p style="text-align: right;">49</p> <p>1 much. She has called me on maybe two, maybe three 2 occasions to tell me that she was giving my name 3 as a reference for employment purposes. And I 4 agreed to give her a reference. 5 Q So you gave her a personal reference 6 for employment? 7 A Yes, I did. 8 Q Okay. Do you recall for what employers 9 you gave her a personal reference? 10 A I don't recall who they were, but I 11 know it was two or three times. 12 Q And that was -- Ms. Iglesias never 13 worked for you; is that correct? 14 A Had not, no, ma'am. 15 Q Okay. So the reference you would have 16 given her would be a personal reference? 17 A My knowledge of her, yes. 18 Q Okay. And if -- if I understood what 19 you were saying earlier it's fair to say that 20 you've known Ms. Iglesias's family or 21 Ms. Belcher's family for a long time; is that 22 correct? 23 A That's correct. 24 Q And you would consider yourself a 25 friend of Ms. Iglesias, a friend of the family?</p>

<p style="text-align: right;">50</p> <p>1 A Well, I was a friend to everybody in 2 Oxford. 3 Q Including Ms. Iglesias? 4 A That's correct, but -- 5 Q Okay. 6 A -- but, you know, I don't say that we 7 socialized or did anything like that together. We 8 didn't. 9 Q Okay. Other than providing her with a 10 personal reference has Ms. Iglesias ever asked you 11 to do any other favors for her? 12 A Not that I recall. 13 Q She ever ask you to help her with this 14 lawsuit that she has against the city? 15 A She had told me that she didn't have 16 anybody else to go to but the commissioners and 17 she did that. 18 Q Okay. 19 A But as far as helping her with this 20 lawsuit I -- I told her at one time that she 21 needed to get legal representation. 22 Q Did she -- 23 A She did -- she needed to have some 24 legal advice. 25 Q Did she ask you to help her out by</p>	<p style="text-align: right;">52</p> <p>1 deposition? 2 A Yes, I did. 3 Q Okay. Did you talk to your wife about 4 what you might be asked about here today? 5 A No. 6 Q Okay. And you talked to Mr. -- 7 A We don't talk business. 8 Q All right. 9 A We talk personal things but not 10 business. 11 Q That's a very wise decision. Hopefully 12 you've been married a long time with that kind of 13 decision making. 14 You talked to Mr. Yancey; is that 15 correct? 16 A I did. 17 Q Okay. And is Mr. Yancey still on the 18 city council? 19 A He's not. 20 Q Okay. 21 A The only thing I told Mr. Yancey that I 22 had to appear here to give a deposition today. 23 Other than that we did not discuss it any further. 24 Q Did you tell him that it was in Sharon 25 Iglesias's lawsuit?</p>
<p style="text-align: right;">51</p> <p>1 testifying for her in this lawsuit? 2 A Well, let me -- let me tell you that 3 her attorneys that she -- that she employed came 4 to my house and they asked me some questions and 5 asked me if I would be willing to testify in a 6 case that came about. And I says, well, I'm going 7 to tell the truth whatever you ask me. 8 Q Okay. Was Ms. Iglesias with them when 9 they came? 10 A Yes, she was. 11 Q So Ms. Iglesias and her attorneys came 12 and asked you to help -- 13 A That's correct. 14 Q -- to help? 15 All right. Did either Ms. Iglesias or 16 her attorneys tell you what they wanted your help 17 with -- what topics they wanted your help with? 18 A They asked me if I told Sharon -- I'm 19 going to call her Sharon because I can't say her 20 last name. Sharon. If I told her that a trap was 21 being set for her. And I told her -- them that I 22 told her at sometime when to be careful in her 23 work that she may be trapped. 24 Q All right. And you said you talked to 25 Mr. -- you talked to your wife about the</p>	<p style="text-align: right;">53</p> <p>1 A Yes, I did. 2 Q Did you all talk about what you might 3 be asked? 4 A No, we did not. 5 Q All right. And Mr. Strickland you said 6 asked you at church if you were coming today? 7 A He asked me if I was going to have to 8 give a deposition. 9 Q Okay. 10 A And I told him the truth. I told him 11 yes. 12 Q Okay. When did Mr. Strickland ask you 13 if you were going to have to do a deposition? 14 A This past Sunday. 15 Q Sunday, all right. 16 You all go to the same church? 17 A Yes, we do. 18 Q All right. Did he tell you how he knew 19 that you were going to be deposed? 20 A No, he didn't. He said that he had 21 already been given a deposition. That's all he 22 told me. 23 Q Mr. Strickland -- 24 A And he would probably be called back. 25 Q Mr. Strickland told you that he had</p>

<p style="text-align: right;">54</p> <p>1 given a deposition in this case?</p> <p>2 A He told me that.</p> <p>3 Q Okay. Did he tell you what his</p> <p>4 deposition was about?</p> <p>5 A No, he did not.</p> <p>6 Q Okay. All right. And did he ask you</p> <p>7 what your deposition was going to be about?</p> <p>8 A No, he did not.</p> <p>9 Q All right.</p> <p>10 A He gave me some advice.</p> <p>11 Q What kind of advice did Mr. Strickland</p> <p>12 give you?</p> <p>13 A He told me two or three things I would</p> <p>14 be asked.</p> <p>15 Q What did he tell you you might be</p> <p>16 asked?</p> <p>17 A He told me I might be asked about the</p> <p>18 chief living with a lady while he was married to</p> <p>19 another lady.</p> <p>20 Q Okay.</p> <p>21 A Told me that I would probably be asked</p> <p>22 about Mr. -- Chief Wolford driving the car.</p> <p>23 Q Okay.</p> <p>24 A And he told me one or two other things</p> <p>25 but I didn't pay too much attention because I'm --</p>	<p style="text-align: right;">56</p> <p>1 A No.</p> <p>2 Q No, all right.</p> <p>3 And you can't recall what</p> <p>4 Mr. Strickland said to you on Sunday about</p> <p>5 anything else you might be asked?</p> <p>6 A No, Mr. Strickland was the greeter at</p> <p>7 the church Sunday and -- and we had very little</p> <p>8 conversation. I was trying to get into church. I</p> <p>9 was -- so.</p> <p>10 Q Trying to get past the door?</p> <p>11 A I do go to church regularly. Try to.</p> <p>12 Q Many of us do. Many of us do.</p> <p>13 Did Mr. Strickland suggest to you what</p> <p>14 your answers ought to be to any of these</p> <p>15 questions?</p> <p>16 A No, not that he -- Mr. Strickland knows</p> <p>17 I've got my own mind and I make my own decisions</p> <p>18 and that he will not influence me.</p> <p>19 Q All right. All right.</p> <p>20 A I did make the remark one thing that I</p> <p>21 can take care of myself. I told him that.</p> <p>22 Q You told Mr. Strickland --</p> <p>23 A I did.</p> <p>24 Q -- you could take care of yourself?</p> <p>25 A I did, yes.</p>
<p style="text-align: right;">55</p> <p>1 you know, I'm my own man. I make my own</p> <p>2 decisions.</p> <p>3 Q Well, since it was just Sunday I'm</p> <p>4 going to ask you to try to remember a little more</p> <p>5 specifically what he might have said. So he -- he</p> <p>6 said you might be asked about the chief living</p> <p>7 with a lady while he wasn't married to her?</p> <p>8 A That's correct.</p> <p>9 Q And he said you might be asked about</p> <p>10 Chief Wolford driving the car which of course you</p> <p>11 were asked today?</p> <p>12 A That's correct.</p> <p>13 Q All right. Did he tell you you might</p> <p>14 be asked about anything else?</p> <p>15 A He told me something else but I don't</p> <p>16 remember what it was. I'll be honest with you I</p> <p>17 just don't --</p> <p>18 Q Did he tell you you might be asked</p> <p>19 about the drug fund?</p> <p>20 A I don't believe so, no.</p> <p>21 Q Did he tell you you might be asked</p> <p>22 about a discussion with Tommy Marrow back in 2004?</p> <p>23 A No.</p> <p>24 Q Okay. Did he tell you you might be</p> <p>25 asked something about Ms. Iglesias being setup?</p>	<p style="text-align: right;">57</p> <p>1 Q And it was in that same conversation</p> <p>2 that Mr. Strickland told you he had already been</p> <p>3 deposed in this -- in this case?</p> <p>4 A Yes, he did.</p> <p>5 Q All right. And that he might even be</p> <p>6 called back in this case?</p> <p>7 A Yes, he did.</p> <p>8 Q All right.</p> <p>9 A I don't know that he put it in the</p> <p>10 frame words that he'd been deposed. He said I</p> <p>11 have already met with them. That's what he said.</p> <p>12 And I presumed that was for this deposition, I</p> <p>13 guess.</p> <p>14 Q Okay.</p> <p>15 A And that he would probably be called</p> <p>16 back.</p> <p>17 Q So he said he'd already met with them</p> <p>18 meaning the attorneys?</p> <p>19 A That's -- well, I -- I guess I put it</p> <p>20 in my mind that he had met with the attorneys to</p> <p>21 do a deposition.</p> <p>22 Q Okay.</p> <p>23 A Because that's what he -- what he asked</p> <p>24 me have you -- have you been called for a</p> <p>25 deposition.</p>

<p style="text-align: right;">58</p> <p>1 Q All right. Has anybody asked you to 2 give anyone any money to either investigate the 3 chief or to help Ms. Iglesias with her lawsuit? 4 A They have not. 5 Q Okay. All right. And when did you -- 6 you -- you rolled off the city council in November 7 of 2005; is that correct? 8 A December 13th, 2005. 9 Q December 13th was when the new council 10 was sworn in? 11 A That's correct. We had our final 12 meeting, they were sworn in after the final 13 meeting. 14 Q Okay. December 13th, 2005. 15 And do you recall as you sit here today 16 when Ms. Iglesias was terminated, even what year 17 she was terminated? 18 A She was terminated after I went off the 19 city board. I presume it was either 2005, 2006, 20 in that area. 21 Q Do you recall as you sit here today 22 exactly what day it was or -- 23 A No, I do not. 24 Q -- even what year it was? 25 A I do not.</p>	<p style="text-align: right;">60</p> <p>1 A I have -- not to my knowledge. 2 Q All right. 3 A I can't remember anything. 4 Q All right. At this one meeting -- this 5 one meeting that you had with Tommy Marrow since 6 December the 13th, 2005 did you discuss Sharon 7 Iglesias at all? 8 A No, we did not. I congratulated him on 9 becoming city manager with Town of Butner and it 10 was in a banquet facility and he came over and 11 spoke to me. 12 Q So it would be fair to say then that 13 you've never had a discussion with Tommy Marrow 14 about why Sharon Iglesias was fired? 15 A I have not. 16 Q Okay. All right. Have you had any 17 discussions with Don Jenkins since -- 18 A I have -- 19 Q -- you left the city council? 20 A I have not. 21 Q Okay. And let me explain. The court 22 reporter is trying to get a record of my question 23 and then your answer, so I'm not trying to be 24 difficult but if you don't -- let me just get my 25 question out and then we'll wait and you can</p>
<p style="text-align: right;">59</p> <p>1 Q Okay. All right. Go ahead. 2 A Not specific year. I know the range, 3 2005, 2006 but I don't know what year or what date 4 of the year. 5 Q Okay. So you know that she was 6 terminated in either 2005 or 2006; is that 7 correct? 8 A That's right, because she told me when 9 she got terminated. She informed me that she was 10 terminated. 11 Q And you're 100 percent sure that you 12 were not on the city council when she was 13 terminated? 14 A I'm absolutely sure. 15 Q Okay. All right. Since you left the 16 city council have you had any discussions at all 17 with Tommy Marrow that you can recall? 18 A I haven't seen Tommy but one time and 19 that was at the Council of Government banquet 20 maybe a month ago -- two, three weeks ago and we 21 spoke at that time. 22 Q All right. And other than that one 23 meeting you haven't had any discussions with Tommy 24 Marrow at all since December 13th, 2005 when you 25 left city council?</p>	<p style="text-align: right;">61</p> <p>1 answer. And she's probably going to start kicking 2 both of us if we don't do that in just a minute. 3 Okay? 4 A I'm sorry. 5 Q That's all right. Let me go back and 6 ask. My question was have you had any discussions 7 with Don Jenkins since you rolled off the city 8 council in December -- on December 13th, 2005? 9 A I have not. 10 Q Okay. And it would be fair to say that 11 you haven't had any discussions with Don Jenkins 12 about Sharon Iglesias or why she was fired since 13 you left the city council; is that correct? 14 A That would be a fair -- I have not had 15 any discussion with him period. 16 Q All right. Have you had any 17 discussions with Chief Wolford since you left the 18 city council on December the 13th, 2005? 19 A I have seen Chief Wolford several times 20 and went by the police station and asked them to 21 check on my house while I was out of town several 22 times and I did speak to him, but other than that 23 we did not have any discussions. 24 Q Okay. 25 A I asked him how things were going,</p>

<p style="text-align: right;">62</p> <p>1 things like that.</p> <p>2 Q All right.</p> <p>3 A But we did not discuss city business at</p> <p>4 all.</p> <p>5 Q Just general cordial conversation; is</p> <p>6 that correct?</p> <p>7 A That's correct.</p> <p>8 Q Since you came off the city council</p> <p>9 December the 13th, 2005 have you had any</p> <p>10 discussions with Chief Welford about Sharon</p> <p>11 Iglesias?</p> <p>12 A I have not.</p> <p>13 Q Have you ever asked Chief Welford why</p> <p>14 Sharon Iglesias was fired?</p> <p>15 A Never have, no.</p> <p>16 Q Have you ever asked Don Jenkins why</p> <p>17 Sharon Iglesias was fired?</p> <p>18 A I have not.</p> <p>19 Q Have you ever asked Tommy Marrow why</p> <p>20 Sharon Iglesias --</p> <p>21 A No.</p> <p>22 Q -- was fired?</p> <p>23 A No, I have not.</p> <p>24 (A brief recess was taken.)</p> <p>25 BY MS. DAVIS:</p>	<p style="text-align: right;">64</p> <p>1 I've told you today.</p> <p>2 Q That's great. But I do have to make a</p> <p>3 record of that. All right. All right.</p> <p>4 Now, you said that Sharon Iglesias</p> <p>5 called you after she was terminated; is that</p> <p>6 correct?</p> <p>7 A I -- I think that is correct. She -- I</p> <p>8 got notice some sort of way, either I saw her or</p> <p>9 she called me. This is four or five years ago.</p> <p>10 Q Right.</p> <p>11 A And I -- you know, I'm pretty sure that</p> <p>12 it was after December 13th, 2005. And I</p> <p>13 answered -- absolutely sure. It made me think a</p> <p>14 little bit. I don't know when she was fired but I</p> <p>15 know she was fired from City of Oxford. Whether</p> <p>16 it was in that time range or not but I think it</p> <p>17 was after that time.</p> <p>18 Q And you're pretty sure that the way you</p> <p>19 learned that she had been fired was from her</p> <p>20 directly?</p> <p>21 A That's correct.</p> <p>22 Q Okay. All right. What did Ms.</p> <p>23 Iglesias tell you when she said to you she'd been</p> <p>24 fired?</p> <p>25 A I don't recall exactly what she told</p>
<p style="text-align: right;">63</p> <p>1 Q You indicated that you had had some</p> <p>2 discussions with Ms. Iglesias and her attorneys</p> <p>3 about her desire, I think, you said to pursue a</p> <p>4 lawsuit against the city; is that correct?</p> <p>5 A That's correct.</p> <p>6 Q All right. At the time you met with</p> <p>7 them did you give them any documents or</p> <p>8 information?</p> <p>9 A I don't recall giving them any</p> <p>10 documents.</p> <p>11 Q All right. All right. Do you recall</p> <p>12 giving Sharon Iglesias any documents to help her</p> <p>13 with her lawsuit against the city?</p> <p>14 A I don't recall giving her any</p> <p>15 documents.</p> <p>16 Q All right. How about Frank Strickland?</p> <p>17 A No.</p> <p>18 Q All right. Do you recall giving</p> <p>19 Ms. Iglesias any information about something that</p> <p>20 happened in closed session in order to assist her</p> <p>21 with her litigation against the city?</p> <p>22 A I did not give it to her or anybody</p> <p>23 else what happened in closed session.</p> <p>24 Q Okay. All right. And I apologize --</p> <p>25 A The only thing you've heard is what</p>	<p style="text-align: right;">65</p> <p>1 me, but she -- I -- I think I asked her a question</p> <p>2 why and she said that she was fired for -- for</p> <p>3 giving out information.</p> <p>4 Q So Ms. Iglesias --</p> <p>5 A And violating a third -- I believe she</p> <p>6 said a third warning that she claims she did not</p> <p>7 do.</p> <p>8 Q Okay. That's what Ms. Iglesias told</p> <p>9 you?</p> <p>10 A That's correct.</p> <p>11 Q Did Ms. Iglesias ever share with you</p> <p>12 any of the termination documentation that she was</p> <p>13 given when she was terminated?</p> <p>14 A The only thing that I have is what you</p> <p>15 found in the files.</p> <p>16 Q All right. So --</p> <p>17 A And that doesn't have anything to do I</p> <p>18 don't think with termination.</p> <p>19 Q All right. So Ms. Iglesias didn't show</p> <p>20 you a copy of any document that she received</p> <p>21 explaining why she was terminated?</p> <p>22 A I don't recall any of it, no.</p> <p>23 Q All right.</p> <p>24 A I'm sorry.</p> <p>25 Q And the only thing she told you is that</p>

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1 she believes she'd been fired for giving out
2 information; is that correct?

3 A She told me that she had been fired
4 because she was -- she was accused of giving out
5 information.

6 Q Okay. Fired because she was accused of
7 giving out information.

8 All right. Did anybody else speak to
9 you about why they thought Sharon Iglesias was
10 fired?

11 A I don't recall anybody else talking to
12 me about that. I'm sure that the city board
13 members discussed it among themselves, but I can't
14 give you any specific examples.

15 Q All right. But -- and I don't expect
16 you to know what somebody said to somebody else.
17 All I'm asking about is what somebody might have
18 said to you. And so far I understand that Sharon
19 Iglesias told you why she thought she had been
20 fired.

21 My question is has anybody else since
22 the date Ms. Iglesias was terminated spoken to you
23 about why they thought or they knew that Ms.
24 Iglesias was fired?

25 A I have over the -- in that time range

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1 at -- people that worked for the City of Oxford
2 asked me if I knew she had been fired. And these
3 are people that work for the public works
4 department and -- and also some of the police
5 officers --

6 Q Okay.

7 A -- who travels my street.

8 Q To watch your house while you're gone?

9 A They do a good job.

10 Q Good, that's excellent.

11 A I hope so. They hadn't broke in one
12 time since.

13 Q Okay. So several people who worked at
14 the city asked you did you know that Sharon has
15 been fired; is that correct?

16 A Just -- just during random
17 conversation. They see me working in the yard and
18 stuff while they're going down the street and talk
19 about different things and talk about their
20 working in the city and what they were doing and
21 then that would come out in conversation.

22 Q Okay. And it was just -- was it just
23 general did you know questions, did you know that
24 Sharon had been fired type of questions?

25 A That's correct.

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1 Q All right. Do you --

2 A They didn't ask me why.

3 Q They didn't ask you why?

4 A And I didn't know. I didn't offer to
5 tell them.

6 Q Well, you didn't know why?

7 A Right. I knew what she told me.

8 Q You knew what she told you?

9 A Right.

10 Q But other than that you didn't know
11 why?

12 A No.

13 Q Okay. Do you recall the names of any
14 of these people who -- city employees who may have
15 stopped and asked you about Sharon being fired?

16 A Well, if I recall right David Cottrell
17 who is head of the public works who works on roads
18 and the city roads and all he comes by quite often
19 and I'm sure he was one of them.

20 Q Okay.

21 A I can't give you the names. I'm sorry,
22 I just don't remember.

23 Q That's okay. Are there any others that
24 you recall other than Mr. Cottrell, any other
25 names at all? And I know you're not going to be

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1 able to remember them all but I'm just --

2 A No, it -- that's been four or five
3 years ago and I done forgot a lot of the
4 conversations that was held at that time.

5 Q Yeah, it's hard to remember
6 conversations four or five years ago. I
7 understand that.

8 A I talk to people every day about
9 something and I don't try to remember. I got --

10 Q Right.

11 A -- to the age I don't try to remember.

12 Q Right.

13 Okay. So at least a few employees in
14 random conversations said something along the
15 lines of did you know Sharon got fired; is that
16 correct?

17 A That's correct.

18 Q Did any of those employees tell you why
19 Sharon got fired?

20 A I need to correct that about getting
21 fired. They asked me if I knew Sharon was no
22 longer with the city.

23 Q Okay.

24 A Okay.

25 Q All right. So they didn't use the word

<p style="text-align: right;">70</p> <p>1 fired?</p> <p>2 A That's correct.</p> <p>3 Q All right. Well then let me rephrase</p> <p>4 my question.</p> <p>5 A Okay.</p> <p>6 Q Did any of those folks tell you why</p> <p>7 they thought Sharon was no longer with the city?</p> <p>8 A Not that I recall.</p> <p>9 Q Okay. Do you have any idea why people</p> <p>10 would just stop and ask you questions about</p> <p>11 Sharon?</p> <p>12 A Well, Oxford is a small city --</p> <p>13 Q Okay.</p> <p>14 A -- and they know everything that's</p> <p>15 going on everywhere.</p> <p>16 Q All right.</p> <p>17 A And it's not uncommon for them to make</p> <p>18 comments and some of them are true and some of</p> <p>19 them aren't.</p> <p>20 Q So some comments that people make are</p> <p>21 true and some just aren't true?</p> <p>22 A That's correct.</p> <p>23 Q All right. And it would --</p> <p>24 A Some of them are just rumors --</p> <p>25 Q Right.</p>	<p style="text-align: right;">72</p> <p>1 Oxford.</p> <p>2 Q Okay.</p> <p>3 A I knew most of them personally, knew</p> <p>4 them by name. And I would always speak to them</p> <p>5 and -- and give them some complementary remarks</p> <p>6 most of the time.</p> <p>7 Q All right. Okay. I'm going to go back</p> <p>8 and ask you again a question that Mr. Monteith</p> <p>9 asked you earlier. He asked you if you had any</p> <p>10 recollection of encouraging or asking Don Jenkins</p> <p>11 to at least put his name in the hat for the</p> <p>12 position of human resources for the City of</p> <p>13 Oxford. And, I believe, you said that you didn't</p> <p>14 have any recollection of that.</p> <p>15 Do you -- what I need to ask you is do</p> <p>16 you specifically recall that you did not ask him</p> <p>17 to put his name in the hat or are you just saying</p> <p>18 that you just don't have any recollection --</p> <p>19 A I never --</p> <p>20 Q -- of having done that?</p> <p>21 A -- asked Don Jenkins to put his name in</p> <p>22 the hat. In fact, to tell you the truth, he would</p> <p>23 not have been my selection if we -- if I had to</p> <p>24 select -- if I had any input.</p> <p>25 Q Is there a reason Mr. Jenkins wouldn't</p>
<p style="text-align: right;">71</p> <p>1 A -- that they think are true probably</p> <p>2 when they tell them but they aren't.</p> <p>3 Q Right.</p> <p>4 And it would probably be fair to say</p> <p>5 that most folks would know that you were friendly</p> <p>6 with Ms. Belcher's family and knew Ms. Belcher</p> <p>7 personally?</p> <p>8 A Most folks knew that I was on the city</p> <p>9 board at one time and the county board at one time</p> <p>10 and they felt like that -- that I knew what was</p> <p>11 happening in the city and the county.</p> <p>12 Q Okay. All right. Would they know of</p> <p>13 your personal relationship with Ms. Iglesias --</p> <p>14 Ms. Belcher? Is it easier for you if I call her</p> <p>15 Belcher?</p> <p>16 A That's okay.</p> <p>17 Q All right.</p> <p>18 A I can understand you. Let -- let --</p> <p>19 let me say this. That --</p> <p>20 (Interruption.)</p> <p>21 BY MS. DAVIS:</p> <p>22 Q Okay. Go ahead, I'm sorry.</p> <p>23 A I don't think they knew anything about</p> <p>24 my friendship with Sharon any more than they knew</p> <p>25 my friendship with every employee with the City of</p>	<p style="text-align: right;">73</p> <p>1 have been selected?</p> <p>2 A I thought they had some better</p> <p>3 candidates.</p> <p>4 Q At least the tone of your voice is</p> <p>5 indicating to me that perhaps you're not a big fan</p> <p>6 of Mr. Jenkins. Would that be fair to say?</p> <p>7 A I don't know what you mean by fan,</p> <p>8 but --</p> <p>9 Q Well, let me rephrase the question.</p> <p>10 A -- Mr. Jenkins and I while I was on the</p> <p>11 city board worked on a lot of projects. We got</p> <p>12 along. We disagreed at times.</p> <p>13 Q Okay.</p> <p>14 A But, you know, as far as -- as -- as me</p> <p>15 being a fan I won't a fan of Mr. Jenkins, I won't</p> <p>16 a fan of Chief Welford, I won't a fan of Tommy</p> <p>17 Marrow. They were employees and we were -- we</p> <p>18 looked at them as that.</p> <p>19 Q It sounded when you were -- when you</p> <p>20 were answering my question it sounded as though</p> <p>21 you were implying that you just didn't like Mr.</p> <p>22 Jenkins. Did I misunderstand?</p> <p>23 A I did not say that. No, I had no</p> <p>24 dis -- if you're saying did I have a dislike for</p> <p>25 Mr. Jenkins when he was employed, no, I did not.</p>